

REMARKS/ARGUMENT

In the Office Action of December 10, 2003, the Examiner rejected the pending claims as being unpatentable over Tzidon, et al, (U.S. Patent No. 5,737,031) in view of Bunin (U.S. Patent No. 3,070,920).

Tzidon is directed to a video system which creates a virtual shadow of a foreground object filmed in front of a blue screen with a main video camera. The virtual shadow is created using a second video camera as a virtual light source. The video image from the second camera is processed to create the virtual shadow and both video images are combined with a background image.

The Examiner has acknowledged that Tzidon does not teach the claimed: (i) “at least one action puppet character manipulated by puppeteers on a virtual production set;” and (ii) “the claimed means for simultaneously compositing each of said real-time images from each of said cameras with a virtual image or a digitally created backplate.” Applicant’s invention is specifically directed to enhancing the production process of filming puppets manipulated by puppeteers and, thus, applicant submits that this is a significant difference between applicant’s invention and Tzidon. Also, there is no teaching in Tzidon of applicant’s compositing means.

It is also important to note that Tzidon does not show or suggest the use of two cameras; “positioned relative to an action puppet character to record, in real-time, at least two action images of said puppet character. Tzidon uses two cameras, but one of those cameras is used for purposes of creating a shadow. Nor does Tzidon show or suggest

“simultaneously compositing each of said real time images from each of said cameras with a virtual image.”

In contrast to applicant's invention, Tzidon is specifically directed to a method for combining a virtual shadow with a background image in order to make the background and foreground integrated. (Col. 1, lines 47-54). In fact, the whole intent of the invention set forth in Tzidon is to CREATE a predetermined shadow on the production set. The manner in which this is accomplished is set forth at col. 4, lines 26-43.

Therefore, Tzidon does not use two cameras in the way used by applicant, i.e., the shadow camera is used to create a shadow, and does not show or suggest capturing the images of an action puppet character, to record in real-time, at least two action images of the same or two different puppet characters. Nor does Tzidon show or suggest simultaneously compositing each of the real-time images from each of the cameras.

In contrast, the amendments made herein to claims 12 and 13 make it clear that an important feature of applicant's invention is to ELIMINATE shadows through use of diffused lighting in the support structure for the puppets on the production set. This limitation, now added to claims 12 and 13, clarify that the support structure is used to vertically position the puppets on the production set, provide a realistic surface upon which the puppets move and eliminate shadows. Support for this added limitation is found at page 13, lines 3-15, of the specification.

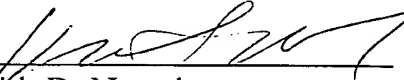
Tzidon does not show or suggest the use of support structures for puppets with built-in diffused lighting to eliminate shadows, but, in fact, is designed to create shadows. It is submitted, therefore, that Tzidon is directed to an entirely different concept than applicant's invention and moreover teaches away from applicant's invention.

Proof of obviousness requires clear and convincing evidence of: (i) a suggestion of the claimed invention in the prior art; and (ii) a reasonable expectation of success, both of which must be established in the prior art rather than in the patentee's disclosure. *See, e.g., In re Vaeck*, 947 F.2d 488, 493 (Fed. Cir. 1991). This ensures that the obviousness determination will not be tainted by hindsight, which is strictly forbidden. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). There must be a teaching or suggestion within the prior art, or within the general knowledge of a person of ordinary skill in the art, to look to particular sources of information, to select particular elements, and to combine them in the way they were combined by the inventor. *See Heidelberger Druckmaschinen AG v. Hantscho Commercial Prods. Inc.*, 21 F.3d 1068, 1072 (Fed. Cir. 1994); *Northern Telecom, Inc. v. Datapoint Corp.*, 907 F.2d 931, 935 (Fed. Cir. 21990); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985). Tzidon has no such teaching.

In view of the foregoing amendments and remarks, Applicant respectfully requests favorable reconsideration and early passage to issue of the present application.

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Respectfully submitted,

By 

Keith D. Nowak

Registration No.: 27,367

DICKSTEIN SHAPIRO MORIN &
OSHINSKY LLP

1177 Avenue of the Americas

41st Floor

New York, New York 10036-2714

(212) 835-1400

Attorney for Applicant